

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1066 – HB 1432**

February 22, 2021

**SUMMARY OF BILL:** Makes several changes to the Tennessee Heritage Protection Act (Act). Requires that any public entity's petition for waiver to remove, rename, relocate, alter, rededicate or otherwise disturb or alter a memorial on public property include the public entity's proof of ownership of such memorial. Requires a joint resolution of the General Assembly to ultimately approve any petition for waiver. Increases the period of time, from 120 days to 2 years, that the Tennessee Historical Commission (THC) can accept complaints, extending from the time of an alleged violation. Prohibits a person, firm, corporation, or other entity acting without authority from mutilating, defacing, defiling, abusing contemptuously, relocating, removing, concealing, or obscuring a privately owned, monument, plaque, marker, or memorial that is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States or the several states thereof, or the Confederate States of America or the several states thereof. Authorizes any person or entity that suffers injury or damage to seek legal action.

Prohibits the alteration, removal, concealment, or obscuring of any statute located on second floor of the state capitol. Establishes a new Class C misdemeanor for any violation of this prohibition, as committed by a public official. Establishes that any public official in violation be personally liable for any damages, penalties, or fines.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Tennessee Code Annotated § 4-1-412(b) prohibits any memorial regarding a historic conflict, historic entity, historic event, historic figure, or historic organization that is, or is located on, public property, from being removed, renamed, relocated, altered, rededicated, or otherwise disturbed or altered, unless a public entity exercising control of the memorial petitions the THC for a waiver of such prohibition.
- A notice of the petition is required to be published on the website of the public entity and in at least two newspapers. The THC is required to conduct initial and final hearings on the petition during regularly-scheduled THC meetings. Any petition that fails to receive a two-thirds vote shall be denied.
- Requiring that any petition for waiver, having been approved by the THC, be ultimately approved by a joint resolution of the General Assembly is estimated to have no

significant impact on state or local government. It is assumed that any such resolution would be adopted during regularly scheduled General Assembly meetings.

- There will not be a sufficient change in the number of misdemeanor prosecutions for local government to experience any significant change in revenue or expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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